

FRANK S. DEVOL.

JUNE 14, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MIERS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 3123.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3123) granting an increase of pension to Frank S. Devol, have examined the same and the evidence relating thereto and respectfully report:

The bill, as amended, proposes to increase from \$12 to \$24 per month the pension of Frank S. Devol, of New Albany, Ind., late of Company B, Thirty-eighth Indiana Volunteers, who served from September 18, 1861, to February 3, 1863, when discharged on surgeon's certificate of disability, on account of—

phthisis pulmonalis, caused from an attack of pneumonia in September, 1861. Said soldier has been able to do military duty but little of the time since. He is debilitated and emaciated to an extent that renders him unfit for any kind of military duty. His disease has been contracted in the service.

He has filed and established a claim under the act of June 27, 1890, and is now pensioned under said act at \$12 per month. He is now paralyzed, helpless, and requires an attendant constantly; the—

whole inferior half of internal lateral surface of right leg, except just above malleolus, and whole middle third of external lateral surface and about half of middle third of posterior surface are covered with deep, excavated ulcer, disgusting, offensive, terrible. * * * Numerous ulcers on right side of body, between inferior ribs and crest of ileum. Eighteen separate points discharging pus.

There is no evidence connecting claimant's present condition with his military service.

The following letter from Mr. Zenor shows his present condition, physical and financial:

TO CHAIRMAN OF COMMITTEE:

In the case of bill for relief of Frank S. Devol (H. R. 3123) I wish to say that I know the soldier. He is drawing full limit under act of 1890. He is totally helpless and requires some one constantly with him. He is paralyzed in body and limbs and his mind is so impaired he is unable to care for himself. Has no means but his present pension, and, as I am reliably informed, is dependent for support on his lodge and such assistance as he gets from friends. Has no wife, but some children. Wife died several years ago.

W. T. ZENOR.

This description of his physical and mental condition is corroborated by medical evidence filed with this committee.

This soldier has certain disabilities of service origin, and as he is poor and now totally helpless and requires constant aid and attendance, your committee follow the precedent established in other cases of a like character and increase this soldier's pension to \$24 per month, notwithstanding the fact that his present condition is not the result of disease or disabilities contracted in the service.

Many find it difficult to draw the line of distinction between a soldier totally disabled who contracted his disease in the service and one who is totally disabled, as is this man, but whose disability is not of service origin. This soldier is now drawing all that any law gives him, and his pension is doubled because of his necessities and because he was a good soldier in the Union Army when it needed good men.

The bill is reported back with the recommendation that it pass when amended as follows:

In line 4 strike out the words "increase the pension" and insert in lieu thereof the words "place the name."

In line 5 strike out the words "Derol, of the city of New Albany, Indiana," and insert in lieu thereof the word "Devol."

Strike out all after "Infantry," in line 7, and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, and pay him a pension at the rate of twenty-four dollars per month in lieu of the pension he now receives."

Amend the title so as to read: "A bill granting an increase of pension to Frank S. Devol."

TO CHAIRMAN OF COMMITTEE:

In the case of bill for relief of Frank S. Devol (H. R. 3123) I wish to say that I know the soldier. He is drawing full limit under act of 1890. He is totally helpless and requires some one constantly with him. He is paralyzed in body and limbs, and his mind is so impaired he is unable to care for himself. Has no means but his present pension, and, as I am reliably informed, is dependent for support on his lodge and such assistance as he gets from friends. Has no wife, but some children. Wife died several years ago.

W. T. ZENOR,
Third District, Indiana.

STATE OF INDIANA, County of Floyd, ss:

William A. Clapp, being duly sworn, on his oath says that he is 75 years of age and a resident of New Albany, Floyd County, Ind. He is now and has been a practicing physician for fifty years. He is well and intimately acquainted with Frank S. Devol, who resides at No. 219 Park place, said city. He has been so acquainted with said Devol for over fifty years. Said Frank S. Devol is now afflicted with brain trouble, resulting in paralysis, and has been so afflicted for twenty-two years and upward. During all of said time said Frank S. Devol has been helpless and has been and is, on account of said affliction, wholly incapacitated from helping himself. During all of said time said Frank S. Devol has required the constant attention of some person to look after and care for him. Said Devol is paralyzed in body and limbs, and his mind is so much impaired that he is an imbecile, by reason of which he requires constant watching.

Said Devol has no means but his pension of \$12 per month. He is dependent on his relatives and friends for support, excepting that he has been receiving benefits from his lodge amounting to \$1 per week. Said Frank S. Devol has three children, but is a widower, his wife having died in 1875. I know that his case is a deserving one, and that his pension should be so increased that during the few months that are yet allotted to him he may not be dependent upon the bounty of others for the support, care, and attention he so much requires. I have no interest in his claim.

WILLIAM A. CLAPP, M. D.

Subscribed and sworn to before me this 21st day of May, 1898.

[SEAL.]

FREDERICK SAUER, Clerk.

STATE OF INDIANA, County of Floyd, ss:

Francis A. Mitchell, being duly sworn, on his oath says that he is 61 years of age and a resident of New Albany, Floyd County, Ind. He is now and has been a practicing physician for thirty years. He is well and intimately acquainted with Frank S. Devol, who resides at No. 219 Park place, said city. He has been so acquainted with said Devol for over thirty years. Said Frank S. Devol is now afflicted with brain trouble, resulting in paralysis, and has been so afflicted for twenty-two years and upward. During all of said time said Frank S. Devol has been helpless and has been and is, on account of said affliction, wholly incapacitated from helping himself. During all of said time said Frank S. Devol has required the constant attention of some person to look after and care for him. Said Devol is paralyzed in body and limbs, and his mind is so much impaired that he is an imbecile, by reason of which he requires constant watching.

Said Devol has no means but his pension of \$12 per month; otherwise he is dependent upon his relatives and friends for support, excepting that he has been receiving benefits from his lodge amounting to \$1 per week. Said Frank S. Devol is a widower with three children, his wife having died in 1875. I know that his case is a deserving one, and that his pension should be so increased that during the few months that are yet allotted to him he may have the support, care, and attention he so much requires, and not be dependent upon the bounty of others. I have no interest in his claim.

FRANCIS A. MITCHELL, M. D.

Subscribed and sworn to before me this 21st day of May, 1898.

[SEAL.]

FREDERICK SAUER, Clerk.


